

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Art Unit : 1621
Examiner : Paul A. Zucker
Applicant(s) : Jean-Louis Henri Dasseux et al.
Serial Number : 10/743,109
Filed : December 23, 2003
Confirmation No. : 8014
Customer No. : 25533
For : DIHYDROXYL COMPOUNDS AND COMPOSITIONS
FOR CHOLESTEROL MANAGEMENT AND RELATED
USES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Correct Errors in Small Entity Status Under 37 CFR 1.28

Dear Sirs:

This paper is submitted to correct errors in small entity status for the above-identified patent application. The application was filed properly as a small entity, but Applicants' status has changed to a large entity.

Applicants filed an amendment on November 2, 2006, which contained extra claims. Applicants were charged \$100 (four excess claims at \$25 each as a small entity), instead of \$200 (four excess claims at \$50 each as a large entity), leaving a deficiency of \$100. A copy of the Fee Determination Record is attached.

Applicants inadvertently and without deceptive intent erroneously paid the issue fee at the small entity level. The amount of the deficiency due is \$700. Attached is a copy of the issue fee transmittal page.

The amount of the total deficiencies due is \$800.00 and authorization is hereby given to charge this deficiency to our Deposit Account No. 16-1445. Authorization is

also given to charge any additional fees or credit any overpayment to Deposit Account
No. 16-1445.

Respectfully submitted,

Dated: NOVEMBER 28, 2007

John H. Engelmann
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-075 Effective December 8, 2000

Effective December 8, 2004

Application or Docket Number

* If the difference in column 1 is less than zero, enter 300 in column 2.

APPLICATION AS AMENDED – PART II

AMENDMENT - PART II				
	(Column 1)	(Column 2)	(Column 3)	
	CLAIMS REMAINING AFTER AMENDMENT ¹	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	
AMENDMENT A	Total 37 CFR 1.16(a) 100	Minus 204	• 4	
	Application Site Fee (37 CFR 1.16(a))	?	?	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				
AMENDMENT B	(Column 1)	(Column 2)	(Column 3)	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	
Total 37 CFR 1.16(b) Independent 37 CFR 1.16(j)	Minus **	•		
Application Site Fee (37 CFR 1.16(a))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				
SMALL ENTITY OR OTHER THAN SMALL ENTITY				
	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	X100		X200	
	+180=		+360=	
	TOTAL ADD'L FEE 100		TOTAL ADD'L FEE	
	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	X5 25		X350	
	X100		X200	
	+180=		+360=	
	TOTAL ADD'L FEE		TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

¹ Collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit for the subject matter disclosed in the application.

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 - * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

if the Highest Number Previously Paid For* IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.
An application is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This estimation is estimated to take 12 minutes to complete, gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent & Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1458. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1458.

If you need assistance in completing the form, call 1-800-PTD-8199 and select option 2.

O I P E

OCT 31 2007

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where applicable. All other blocks should be completed by the Patent, Advance orders and notification of maintenance fees will be mailed in the current correspondence address as indicated unless corrected before transmitted otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Enter Use Block 1 for any change of address)

2880 7990 08/02/2007

WHEELER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

10/31/2007 FNETKE12 00000098 161445 10743109

01 FC:12501	720.00 DA
02 FC:1504	300.00 DA

APPLICATION DATE

10/743,109

12/23/2003

FIRST NAMED INVENTOR

Jean-Louis Head Draux

ATTORNEY DOCKET NO.

10173-106-999

8014

TITLE OF INVENTION: DIRYDROXYL COMPOUNDS AND COMPOSITIONS FOR CHOLESTEROL MANAGEMENT AND RELATED USES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PAY. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700.	\$300	\$0	\$1000	11/02/2007

EXAMINER

ART UNIT

CLASS/SUBCLASS

ZUCKER, PAUL A

1621

562-578000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.4(a)).

 Change of correspondence address (or Change of Correspondence Address form PTO/SB/12) attached. "Fee Address" indication (or "Fee Address" indication from PTO/SB/4, Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the name of up to 3 registered patent attorneys or agents OR, alternately,
- (2) the name of up to 3 inventors (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Michael J. Bruner

2. Charles W. Ashbrook

3. John H. Engelmann

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type).

PLEASE NOTE: Unless an assignee is identified below, no assignee date will appear on the patent. If no assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 1.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Esperion Therapeutics, Inc.

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Ann Arbor, Michigan

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

4b. Payment of Fee(s): (Please first remit any previously paid issue fee shown above)

 Issue Fee A check is enclosed. Publication Fee (No small entity discount permitted) Payment by credit card. Form PTO-2038 is attached. Advance Order - # of Copies _____ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 10173-106-999 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

 a. Applicant Status: See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(e)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature John Engelmann

Typed or printed name John H. Engelmann

Date OCTOBER 31, 2007

Registration No. 28,075

This collection of information is required by 37 CFR 1.311. The information is requested to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application forms to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and suggestions for reducing it would be appreciated. Call in Washington, DC, toll-free at 1-800-PTAB-USPTO or write to the Office, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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